

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES,

Plaintiff,

v.

Case No. 17-cr-20183
Hon. Mark A. Goldsmith

DARRICK DERNARD BELL, et al.

Defendants.

ORDER
GRANTING DEFENDANT TERRY PRUITT'S MOTION FOR USE OF JURY
QUESTIONNAIRE (Dkt. 235) AND GRANTING IN PART PRUITT'S MOTION TO
ACCESS COURT JURY QUESTIONNAIRE (Dkt. 239)

This matter is before the Court on Defendant Terry Pruitt's motion for use of a jury questionnaire (Dkt. 235) and motion to access the jury questionnaire (Dkt. 239).¹ The Government filed a combined response to both motions (Dkt. 263). Pruitt did not file a reply brief in support of his motions. For the reasons discussed below, the Court grants the motion for use of a jury questionnaire and grants in part the motion to access the jury questionnaire.

In his first motion, Pruitt asks the Court to permit the use of a jury questionnaire to expediate the voir dire process at trial. Pruitt Mot. ¶¶ 1-2. Pruitt's counsel proposes that all counsel in this case participate in preparing an agreed-to questionnaire, which would then be submitted to the Court for approval. *Id.* ¶ 4. The Government does not oppose this request and notes that jury questionnaires have been used in other large, multidefendant cases tried in this district. Gov't

¹ Pruitt's motion for use of jury questionnaire is joined by co-defendants Janette Gaggo Tawfik (Dkt. 242), Shelvie Lewis Avery (Dkt. 245), Harold Lashawn Nero (Dkt. 249), and Charles Thomas Ford, Jr. (Dkt. 252). Pruitt's motion for access to Court jury questionnaires is joined by co-defendants Tawfik (Dkt. 243), Nero (Dkt. 249), and Ford (Dkt. 252).

Resp. at 2 (citing United States v. Norwood, No. 12-cr-20287, 2014 WL 1796644, at *3 (E.D. Mich. May 6, 2014) (noting 99-question juror questionnaire completed by potential jurors prior to trial in RICO conspiracy gang case); United States v. Arnold, No. 15-CR-20652, 2017 WL 6512454, at *2 (E.D. Mich. Dec. 20, 2017) (noting in RICO conspiracy gang case that parties “prepared an extensive pretrial questionnaire, which requires the prospective jurors to answer detailed questions about their communities, education, and work experiences”). Because the Court finds that the use of a jury questionnaire would be helpful to expedite the voir dire process in this case, Pruitt’s first motion is granted.

In his second motion, Pruitt seeks an order allowing the parties to access the completed questionnaires. Pruitt Mot. at 1. The Government does not oppose this request, subject to one caveat: it does not agree that Defendants should have unfettered access to the questionnaires. Gov’t Resp. at 3. Due to the nature of this case, the Government is contemplating filing a motion to empanel an anonymous jury and is concerned that the release of information could potentially expose juror identities. Id. The Government asks the Court to reserve ruling on the access to the completed questionnaires. Id. at 2-3. Pruitt did not file a reply brief to respond to the Government’s concern and the time for doing so has expired. The Court will grant Pruitt’s motion to access the jury questionnaires. However, in light of the Government’s concerns, the Court will reserve ruling on the extent to which the information in the completed questionnaires will be made available to the parties.

Accordingly, Pruitt’s motion for use of jury questionnaire (Dkt. 235) is granted, and Pruitt’s motion to access court jury questionnaire (Dkt. 239) is granted in part. Counsel for the parties shall submit an agreed-to-proposed jury questionnaire to the Court on or before October 7,

2019. Access to the completed jury questionnaires will be addressed at the final pretrial conference on December 3, 2019.

SO ORDERED.

Dated: August 14, 2019
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 14, 2019.

s/Amanda Chubb
Case Manager